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MAR 17 1993

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*NOT ADMITTED TO THE BAR
**ADMITTED IN PENNSYLVANIA ONLY

March 17, 1993

VIA HAND DELIVERY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Ex Parte Presentation in MM Docket 92-266

Dear Ms. Searcy:

Pursuant to 47 C.F.R. § 1.1206, the undersigned submits this original and one copy of a letter disclosing a written ex parte presentation, along with two copies of that presentation.

On March 16, 1993, the undersigned and Nicholas P. Miller of Miller & Holbrooke; Council President Richard Meehan, Councilmember James N. Mathias, Jr., City Solicitor Guy Ayres III, and Assistant City Manager Kathleen Mathias, all of the Town of Ocean City, Maryland; and Fred Moran and Mark Brooks, of Haverford Township, Pennsylvania, met on behalf of a coalition of municipalities and on behalf of Ocean City, Maryland, and Haverford Township, Pennsylvania, with Robert Branson and Byron Marchant of the Federal Communications Commission, as disclosed in a separate letter dated March 16, 1993. The attached letter and document were delivered to Messrs. Branson and Marchant on March 17, 1993.

Very truly yours,

MILLER & HOLBROOKE

By

Tillman L. Lay

TLL/dmb

Enclosures

cc: Robert Branson (via Hand Delivery)
Byron Marchant (via Hand Delivery)

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environment. Accordingly, the coalition spot-checked those responses by reviewing the information supplied in the database, then contacting the franchising authorities and inquiring as to cable service competition. The anomalies and apparent errors in the database revealed by this verification are described below.

Certain general problems with the database are suggested

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inside the City than it does outside the City, where there is no competition. TCI's survey form may be reporting the higher monopoly price (as in Kenton/Boone) and not the lower competitive price.

8. Town of West Bend, WI Star Cablevision Group
(669 subscribers, competition code B)
Per channel: basic \$0.68, all tiers \$0.68
-

It is unclear how much overlap in service area there is between Star and competitor Crown Cable, or whether the prices in the competitive areas differ from those elsewhere. The area of competition is small compared to the entire system (16,988 households), which is ten times the size of the competitive franchise area (1690). Moreover, the database contains no answers to the questions on Schedule 4.

9. Sumter County, GA Rigel CSSF Joint Venture
(141 subscribers, competition code B)
Per channel: basic \$0.84, all tiers \$0.84
-

The franchise area is the town of Cobb only (500 households); the sample is very small.

10. City of Negaunee, MI Bresnan Communications Co.
(374 subscribers, competition code C)
Per channel: basic \$0.61, 2d \$0.57, 3d \$0.81, all \$0.68
-

It is unclear whether Bresnan serves a surrounding area larger than the small competitive region. The City's municipal system serves only within the City limits. The City appears to have about 1440 subscribers, over three and one-half times Bresnan's subscribership.

11. City of Westbrook, MN Mark Twain Cablevision
(40 subscribers, competition code C)
Per channel: basic \$0.75, 2d tier \$0.78, all tiers \$0.76
-

The City's municipal system appears to have begun operations only in 1991. However, it already has 90% of the customers, according to the City. The subscriber group for Mark Twain is extremely small.